

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF HAWAII

In the Matter of

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to Investigate
Proposed Amendments to the Framework for
Integrated Resource Planning.

DOCKET NO. 2009-0108

PUBLIC UTILITIES
COMMISSION

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FILED

BLUE PLANET FOUNDATION'S MOTION TO INTERVENE

DECLARATION OF JEFFREY MIKULINA

AND

CERTIFICATE OF SERVICE

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BLUE PLANET FOUNDATION'S MOTION TO INTERVENE

Blue Planet Foundation ("Blue Planet"), by and through its attorneys Schlack Ito Lockwood Piper & Elkind, hereby files its Motion to Intervene in the above-referenced Docket No. 2009-0108 ("CESP Docket").

Blue Planet is a Hawaii public interest organization, with over 5,000 registered "Friends of Blue Planet," dedicated to promoting Hawaii's swift transition to a clean energy economy through the rapid adoption of renewable energy and increased energy efficiency. Blue Planet is actively engaged in legislative efforts, regulatory proceedings, and public outreach and education to secure the environmental and economic benefits of a clean energy future for Hawaii's citizens and to establish Hawaii as a global leader in energy self reliance. Blue Planet is involved in matters before the Commission; to date the Commission has granted motions to intervene filed by Blue Planet in the feed-in tariff (Docket No. 2008-0273) and decoupling (Docket No. 2008-0274) proceedings, and Blue Planet's Motion to Intervene in the PV Host Program proceeding (Docket No. 2009-0089) is currently pending before the Commission.

In addition to its substantial interests that are reasonably pertinent to the CESP Docket, Blue Planet submits that it has organizational resources and expertise that may assist the Commission and the parties in a manner that will not broaden the issues or unduly delay the proceeding. Blue Planet therefore respectfully requests the Commission to grant this Motion and allow it to intervene in this proceeding.

I. FACTUAL BACKGROUND

On May 14, 2009, the Commission issued its Order Initiating Investigation (“Order”) to institute a proceeding to examine a proposal to amend the Integrated Resource Planning Framework by establishing a Clean Energy Scenario Planning (“CESP”) Framework. See Order at 1-3.

A. The CESP Docket Seeks to Implement the October 2008 Energy Agreement.

The instant Docket is another in a series of proceedings designed to implement a landmark agreement promoting the rapid adoption of renewable energy and increased energy efficiency in Hawaii. On October 20, 2008, the Governor of the State of Hawaii, the State of Hawaii Department of Business, Economic Development and Tourism, the State of Hawaii Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (“Consumer Advocate”), and the HECO Companies entered into a comprehensive agreement designed to “move more decisively and irreversibly away from imported fossil fuels for electricity and ground transportation and towards indigenously produced renewable energy and an ethic of energy efficiency.” *Energy Agreement Among the State of Hawaii, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and the Hawaiian Electric Companies* dated Oct. 20, 2008 at 1 (“Energy Agreement”).

Pursuant to section 32 of the Energy Agreement, “Clean Energy Scenario Planning (CESP),” the parties to the Energy Agreement agree to replace the current Integrated

Resource Planning process with a new Clean Energy Scenario Planning Process. *See* Energy Agreement at 36-37.

B. Blue Planet Foundation

Consistent with its involvement in Energy Agreement-related proceedings before the Commission, to fulfill its mission Blue Planet focuses on three related areas. “Energy and Climate” identifies the growing demand for, methods of generation, and choice of fuels as the primary cause of climate change and ecological imbalance. “Hawaii as Clean Energy Model” recognizes that Hawaii’s unique blend of attributes makes it an ideal place to become a clean energy model for the world, due to geographical remoteness, the availability of a wide variety of natural resources, and a cultural heritage of sustainable resource management. Finally, with its “Education” program Blue Planet seeks to engage educators and their students by providing a range of educational materials and media formats, including web content and DVDs for academic, legislative and civic use.¹

Jeffrey Mikulina is the Executive Director of Blue Planet Foundation.

Declaration of Jeffrey Mikulina dated May 20, 2009 at para. 1.² Mr. Mikulina participated in meetings of the Hawaii Clean Energy Initiative which prepared the October 2008 Energy Agreement. *Id.* at para. 2. He earned a Masters of Science degree in engineering from the University of Illinois at Urbana-Champaign studying decision theory related to the adoption of photovoltaic systems on Oahu. *Id.* at para. 3. Mr. Mikulina serves as district manager for Vice President Al Gore’s Climate Project. *Id.* at para. 4. He was previously director of the Sierra Club, Hawaii Chapter, where he assisted with passing legislation that sets a binding cap on

¹ Blue Planet Foundation at <http://blueplanetfoundation.org/sub/our-mission.aspx>.

² A signed original of Mr. Mikulina’s Declaration will be filed with the Commission forthwith.

Hawaii's greenhouse gas emissions, makes solar a standard feature on new homes, and provides incentives for renewable energy use. *Id.* at para. 5.

In April, 2008, Blue Planet hosted a three-day "Global Energy Summit" on Oahu with over seventy-five participants, including some of the world's leading experts in renewable energy science and policy. As a result of the Global Energy Summit, Blue Planet has professional relationships with these and other experts and leaders in the energy field.³ Participants in the summit and/or members of Blue Planet's Board of Directors or Board of Advisors with professional expertise relevant to this proceeding include Stephen Schneider, Ph.D., Stanford University, Member of the U.N. Intergovernmental Panel on Climate Change; William P. Parks, Jr., Deputy Assistant Secretary, Research and Development, U.S. Department of Energy; Maurice H. Kaya, P.E., former Chief Technology Officer, State of Hawaii; Richard E. Rocheleau, Director, Hawaii Natural Energy Institute, University of Hawaii; Dr. Peter E. Crouch, Dean of the College of Engineering at the University of Hawaii; Devon L. Manz, Energy Systems Engineer, GE Global Research; and Ted G. Johnson, Ph.D., Lockheed-Martin Alternative Energy Program.⁴

II. ARGUMENT

A. Standard for Grant of Intervention.

Pursuant to Hawaii Administrative Rules ("H.A.R.") § 6-61-55(a), a person may move to intervene and become a party by filing a timely written motion stating the facts and reasons for the proposed intervention, and the position and interest of the applicant. *Id.* The motion shall make reference to items (1) through (9) set forth under H.A.R. § 6-61-55(b).

The Commission may grant intervention based upon on "allegations which are reasonably pertinent to and do not broaden the issues already presented." H.A.R. § 6-61-55(d)

³ Blue Planet Foundation at <http://blueplanetsummit.org/sub/about-the-summit.aspx>.

⁴ Blue Planet Foundation at <http://blueplanetfoundation.org/sub/summit-attendees.aspx>.

(emphasis added). Although intervention as a party in a proceeding before the Commission is not a matter of right, but is a matter resting within the sound discretion of the Commission, this rule is “always subject to the essential qualification that this discretion is not to be arbitrarily and capriciously exercised.” *In re Hawaiian Electric Co.* 56 Haw. 260, 263, 535 P.2d 1102 (Haw. 1975).

B. The Motion to Intervene Should Be Granted.

The instant Motion should be granted because, as explained herein, its allegations are reasonably pertinent to and do not broaden the issues already presented. H.A.R. § 6-61-55(d).

1. The Nature of the Applicant's Statutory or Other Right to Participate in the Hearing.

Blue Planet’s legal right to seek to intervene in this proceeding is based upon the Rules of Practice and Procedure Before the Public Utilities Commission, H.A.R. ch. 6-61-1.

2. The Nature and Extent of the Applicant’s Property, Financial, and Other Interest in the Pending Matter.

Blue Planet has a direct interest in the purpose and subject matter of the pending Docket. The purpose of the CESP Docket is to implement the Energy Agreement’s objective to “move more decisively and irreversibly away from imported fossil fuels for electricity and ground transportation and towards indigenously produced renewable energy and an ethic of energy efficiency.” Energy Agreement at 1. Similarly, Blue Planet’s stated mission is to develop and adopt practical programs to implement clean, efficient, and renewable energy. Thus, insofar as the purpose of the CESP Docket is to encourage the rapid adoption of renewable energy, Blue Planet has a direct interest in its purpose.

In addition to the CESP Docket’s purpose, Blue Planet has a direct interest in its subject matter. The subject matter consists of a proceeding to establish a framework for planning

future energy policy in Hawaii. *See* Energy Agreement at 36-37. This falls squarely within the scope of Blue Planet's mission. It also falls under the purview of Mr. Mikulina's knowledge and professional experience, and the expertise of the leading experts in renewable energy science and policy who attended the Global Energy Summit, with whom Blue Planet has strong ties. Blue Planet intends for its participation to expedite the proceedings, where possible, by providing supportive documents, information and expert testimony to assist the parties in addressing the issues under investigation.

3. The Effect of the Pending Order as to the Applicant's Interest.

Please see response to No. 2, above.

4. The Other Means Available Whereby the Applicant's Interest May Be Protected.

None.

5. The Extent to Which the Applicant's Interest Will Not Be Represented By Existing Parties.

Blue Planet's interest will not be represented by the existing parties. Blue Planet's primary interest differs insofar as it is solely dedicated to supporting and facilitating the adoption of clean energy sources in Hawaii, in order to encourage Hawaii's swift transition to a clean energy economy, promote Hawaii as a global leader in renewable energy, and mitigate climate change impacts in Hawaii.

6. The Extent to Which the Applicant's Participation Can Assist in the Development of a Sound Record.

As an intervenor, Blue Planet can assist the Commission with the development of a sound record to a significant extent. Blue Planet can provide documents, information and testimony from Mr. Mikulina and any retained experts on technical and policy matters critical to the CESP Docket.

7. The Extent to Which the Applicant's Participation Will Broaden the Issues or Delay the Proceeding.

Blue Planet's participation will not broaden the issues or unduly delay the proceedings. To the contrary, Blue Planet intends for its participation to expedite the proceedings, where possible, by providing supportive documents, information and expert testimony that assists the parties in addressing the issues under investigation.

8. The Extent to Which the Applicant's Interest in the Proceeding Differs from That of the General Public.

Blue Planet's interest differs from that of the general public because Blue Planet is a Hawaii public interest organization solely dedicated to supporting and facilitating the adoption of clean energy sources in Hawaii, in order to encourage Hawaii's swift transition to a clean energy economy, promote Hawaii as a global leader in renewable energy, and mitigate climate change impacts in Hawaii. *See also* Response to Items 2 and 5, above.

9. Whether the Applicant's Position is in Support or Opposition to the Relief Sought.

Based upon its review of the Energy Agreement, the Order, and Exhibit A to the Order (consisting of the letter from HECO to the Commission dated April 28, 2009 and attached "A Proposed Framework for Clean Energy Scenario Planning" dated April 28, 2009), at this time Blue Planet is tentatively in support of the CESP Framework and believes many important issues related to the CESP Docket must be adequately addressed and resolved.

III. CONCLUSION

For all of the foregoing reasons, Blue Planet Foundation respectfully requests the Commission to grant its Motion and any further relief the Commission deems just and proper.

DATED: Honolulu, Hawaii, June 3, 2009.



DOUGLAS A. CODIGA
Attorney for Applicant Blue Planet Foundation

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DECLARATION OF JEFFREY MIKULINA

I, JEFFREY MIKULINA, declare and say:

1. I am the Executive Director of Blue Planet Foundation.
2. I participated in meetings of the Hawaii Clean Energy Initiative which prepared the October 2008 Energy Agreement.
3. I earned a Masters of Science degree in engineering from the University of Illinois at Urbana-Champaign studying decision theory related to the adoption of photovoltaic systems on Oahu.
4. I serve as district manager for Vice President Al Gore's Climate Project.
5. I was previously director of the Sierra Club, Hawaii Chapter, where I assisted with passing legislation that sets a binding cap on Hawaii's greenhouse gas emissions, makes solar a standard feature on new homes, and provides incentives for renewable energy use.

I, JEFFREY MIKULINA, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, May 20, 2009.



JEFFREY MIKULINA

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Motion to Intervene, upon the following parties by causing a copy hereof to be mailed, postage prepaid, and properly addressed to such party as follows:

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Counsel for THE GAS COMPANY, LLC

DATED: Honolulu, Hawaii, June 3, 2009.



DOUGLAS A. CODIGA
Attorney for Applicant Blue Planet Foundation